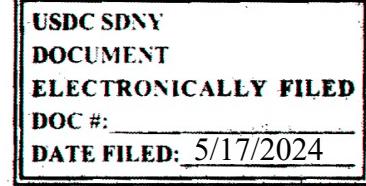


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HOWARD SCHATZ, et al.,

Plaintiffs,

23-CV-05361 (PAE)(SN)

-against-

ORDER

BINARY BITS LLC,

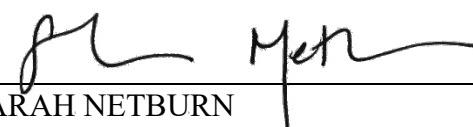
Defendant.

-----X

SARAH NETBURN, United States Magistrate Judge:

Pending before the Court is Defendant's motion to dismiss. ECF No. 21. In their briefing, both parties cite to and discuss Petrella v. Metro-Goldwyn-Mayer, Inc., 572 U.S. 663 (2014), and Sohm v. Scholastic Inc., 959 F.3d 39 (2d Cir. 2020). Last week, in Warner Chappell Music, Inc. v. Nealy, the Supreme Court clarified Petrella's holding and overruled Sohm's holding. By May 24, 2024, Defendant shall file a supplemental letter brief explaining whether the Supreme Court's decision in Nealy affects the arguments raised in the motion to dismiss. Plaintiffs shall file a response by May 31, 2024. The parties' supplemental letter briefs should not exceed three pages.

**SO ORDERED.**



SARAH NETBURN  
United States Magistrate Judge

DATED: May 17, 2024  
New York, New York